

62 **Supervisors**

Section 7103(a)(10) of the Statute defines "supervisor" as:

an individual employed by an agency having authority in the interest of the agency to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove employees, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment, except that, with respect to any unit which includes firefighters or nurses, the term 'supervisor' includes only those individuals who devote a preponderance of their employment time to exercising such authority.

See RCL 26 for detailed guidance on supervisory criteria and the analytical framework for analyzing unusual positions subject to this Statutory exclusion.

Relevant information:

- 1) Documentation, such as organizational charts, of the activity, locating the work group involved and the general hierarchy of that portion of the activity.
- 2) Evidence and documentation as to the actual duties of the individual, focusing on the tasks that allegedly result in supervisory status.
 - a) Obtain a copies of the position descriptions and performance standards of the individual and subordinates.
 - b) Documentation of the names of and positions held by subordinates.
 - c) Describe the work done by the alleged subordinates.
 - d) Describe how the work performed by the alleged supervisor differs from or is similar to that of subordinates?
- 3) Describe the extent and nature of the individual's involvement in the hiring process?

- a) Does the individual participate in the interviewing of applicants? How many times has s/he participated in interviews?
 - b) Does the individual make recommendations as to whom to hire? If so, how often are those recommendations adopted? How many times has the individual made such recommendations? When did this occur.
 - c) Does the individual act as the selecting official in hirings and promotions? How often does this occur? Obtain documentation of this.
- 4) Describe the extent and nature of this person's involvement in the assignment of work.
- a) Does the individual distribute work? Is this distribution of work based upon written guidelines?
 - b) Does individual reassign work? The process by which work is reassigned is explored in detail.
 - c) How is this individual involved in determining the number of employees to be used on which projects?
 - d) Does individual distribute work in accordance with his/her evaluation of the capabilities of employees.
 - e) How are overtime assignments made?
 - f) Does the individual schedule or prioritize work?
 - g) Does the individual maintain records of employee performance?
 - h) To what extent is the individual responsible for the completion and quality of the work from the work group?
 - i) To what extent does the individual rely on instructions from others or on standard operating procedures in assigning work?
 - j) Does the individual instruct employees on how to perform the work?

- k) Does this individual have the authority to approve leave?
 - l) Has this individual denied a leave request or absence from the job, on the basis of workload requirements?
- 5) How does this individual become involved in the detail, transfer or reassignment of employees within the activity?
- a) Has this person recommended the detail, transfer or reassignment of any employee(s)?
 - b) If so, how many of the recommendations were followed? How many were not?
 - c) Does this person have the authority to detail, transfer or reassign employees within the activity? If so, using specific examples, describe his/her role in the process.
- 6) Does this person have the authority to suspend, discipline or remove employees?
- a) Has this person counseled, disciplined or removed any employees?
 - b) Has this person recommended that an employee be counseled, reprimanded, suspended or removed? Describe how that recommendation was processed and whether the employee was disciplined in any way.
 - c) Have grievances under the negotiated grievance procedure been filed, challenging this disciplinary action?
- 7) Is this individual involved in the performance appraisal process?
- a) Does this individual complete annual performance appraisals for employees? Obtain copies of the appraisals.
 - b) How are these evaluations used in promotion actions, the granting of awards, reemployment decisions?
 - c) Does this individual have the authority to promote employees? To recommend their promotion? How often are his/her recommendations followed?

- 8) Does the individual participate in or determine when and which employees will be furloughed, reduced in force or recalled?
- 9) How is this individual involved in the grievance process?
 - a) Have any actions taken by the individual been the subject of a grievance? Using such a grievance, the parties develop the record as to the involvement of the individual in the grievance process.
 - b) Have any recommendations made by the individual been the subject of a grievance? Using such a grievance, the individual explains his/her involvement of in the grievance process.
 - c) Has this individual adjusted any grievances? Examples of such adjustments are entered into the record.
- 10) What is the involvement of this person in other matters, which might shed light on supervisory authority.
 - a) In connection with this position, has this person attended supervisory training? Is such training a prerequisite for the position?
 - b) Does this person attend supervisory or management meetings? The witness describes these meetings in detail, covering how often they are conducted, who attends and what transpires at these meetings.
 - c) Does this person have the authority to approve or deny leave? Are there any minimum staffing guidelines that the person follows when considering if leave should be approved?